



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,350	10/30/2006	Masahiro Shioi	1152-0327PUS1	2089
2292 7590 09/30/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
RICE, ELISA M				
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
09/30/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

**Application No.**

10/553,350

**Applicant(s)**

SHIOI ET AL.

**Examiner**

ELISA M. RICE

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date See Continuation Sheet

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/1/2008, 7/31/2008, 2/9/2007, 11/07/2005, 10/14/2005.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilizuka et al. (US 2002/0054207 A1) in view of Kawai (US 2002/0030675 A1) and Osaka et al. (US 6023277).

**Regarding claim 1**, Ilizuka discloses an image file creating apparatus for creating an image file of a predetermined file format, from a plurality of images corresponding to a plurality of viewpoints, comprising:

Ilizuka discloses the feature of recording a file that comprises a plurality of viewpoints (Ilizuka, Fig. 16, a file comprises a left eye image and right eye image, or a plurality of viewpoints, as shown in this figure).

Ilizuka does not explicitly disclose an information creating means for creating 3-dimensional image control information for 3-dimensional display from the plurality of viewpoint images.

Kawai teaches the feature of employing 3-dimensional image control information for 3-dimensional display from the plurality of viewpoint images (Kawai, Fig 2 shows the

different stereoscopic formats which serve as control information for constructing the three-dimensional image).

Iizuka and Kawai are in the same field of endeavor of stereoscopic display systems. It, therefore, would have been obvious to one of ordinary skill in the art at the time of the invention to modify Iizuka to include employing three-dimensional image control information as taught by Kawai so that "an optimum data format is specified" (Kawai, paragraph 56)

The combination of Iizuka and Kawai disclose a file creating means for creating an image file including the plurality of viewpoint images using the control information and the 3-dimensional image control information (Kawai, "The display image generating block generates the display image in an image format according to device information acquired by the device information", abstract), but does not teach wherein whether the image file is a file that includes the plurality of viewpoint images is judged based on a filename of the image file and/or a directory that stores the image file.

Osaka teaches wherein whether the image file is a file that includes the plurality of viewpoint images is judged based on a filename of the image file and/or a directory that stores the image file (Osaka, "Further, in order to clarify the file of the image having three-dimensional image data, the file name may be provided with an extension.", column 16, lines 37-40).

Iizuka, Kawai, and Osaka are in the same field of endeavor of stereoscopic display systems. It, therefore, would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the combination of Ilizuka and Kawai to include wherein whether the image file is a file that includes the plurality of viewpoint images is judged based on a filename of the image file and/or a directory that stores the image file as taught by Osaka "in order to clarify the file of the image having three-dimensional image data" (Osaka, column 16, lines 37-40) and "indicate it is for three-dimensional display" (Osaka, column 16, lines 40-45).

**Regarding claim 2**, the combination of Ilizuka, Kawai, and Osaka disclose the image file creating apparatus according to Claim 1, wherein the directory which stores the image file is made different from a directory in which image files including one-viewpoint images are stored, so as to enable making a decision on whether the image file is one that includes the plurality of viewpoint images (Osaka, column 15, lines 26-32).

**Regarding claim 3**, the combination of Ilizuka, Kawai, and Osaka disclose the image file creating apparatus according to Claim 1, but does not disclose wherein the filename is made to be one that indicates a fact that the file contains the plurality of viewpoint images, so as to enable making a decision on whether the image file is one that includes the plurality of viewpoint images (Osaka, "Further, in order to clarify the file of the image having three-dimensional image data, the file name may be provided with an extension.", column 16, lines 37-40).

**Regarding claim 4** the combination of Ilizuka, Kawai, and Osaka disclose the image file creating apparatus according to Claim 1, but does not disclose wherein the filename is

made to be one that is different from those based on naming rules for files made up of a one-viewpoint image, so as to enable making a decision on whether the image file is one that includes the plurality of viewpoint images(Osaka, "Further, in order to clarify the file of the image having three-dimensional image data, the file name may be provided with an extension.", column 16, lines 37-40).

**Regarding claim 5**, the combination of Ilizuka, Kawai, and Osaka disclose the image file creating apparatus according to Claim 1, but does not disclose wherein the filename is made to have an extension different from those for files made up of a one-viewpoint image, so as to enable making a decision on whether the image file is one that includes the plurality of viewpoint images (Osaka, "Further, in order to clarify the file of the image having three-dimensional image data, the file name may be provided with an extension.", column 16, lines 37-40).

**Regarding claim 7**, Ilizuka discloses an image file reproducing apparatus for reproducing a plurality of images corresponding to a plurality of viewpoint images, from an image file of a predetermined file format, comprising:

(Ilizuka, Fig. 16 depicts the feature of recording a file that comprises a plurality of viewpoints i.e. a left eye image and right eye image, or a plurality of viewpoints), comprising:

Ilizuka does not explicitly disclose an analyzing means for analyzing 3-dimensional image control information for implementing 3-dimensional display of the plurality of

viewpoint images from the image file, wherein the plurality of viewpoint images are reproduced in accordance with a result from the analyzing means.

Kawai an analyzing means for analyzing 3-dimensional image control information for implementing 3-dimensional display of the plurality of viewpoint images from the image file, wherein the plurality of viewpoint images are reproduced in accordance with a result from the analyzing means (Kawai, "The display image generating block generates the display image in an image format according to device information acquired by the device information", abstract; Kawai, Fig 2 shows the different stereoscopic formats which serve as control information for constructing the three-dimensional image).

Ilizuka and Kawai are in the same field of endeavor of stereoscopic display systems. It, therefore, would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ilizuka to include employing three-dimensional image control information as taught by Kawai so that "an optimum data format is specified" (Kawai, paragraph 56).

The combination of Ilizuka and Kawai do not teach a deciding means for deciding whether the image file is a file that includes the plurality of viewpoint images, based on a file name of the image file and/or a directory that stores the image file.

Osaka teaches a deciding means for deciding whether the image file is a file that includes the plurality of viewpoint images, based on a file name of the image file (Osaka, column 16, lines 37-40).



Ilizuka, Kawai, and Osaka are in the same field of endeavor of stereoscopic display systems. It, therefore, would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Ilizuka and Kawai to include a deciding means for deciding whether the image file is a file that includes the plurality of viewpoint images, based on a file name of the image file as taught by Osaka "in order to clarify the file of the image having three-dimensional image data" (Osaka, column 16, lines 37-40) and "indicate it is for three-dimensional display" (Osaka, column 16, lines 40-45).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilizuka et al. (US 2002/0054207 A1) in view of Kawai (US 2002/0030675 A1).

**Regarding claim 6**, Ilizuka discloses an image file reproducing apparatus for reproducing a plurality of images corresponding to a plurality of viewpoint images, from an image file of a predetermined file format (Ilizuka, Fig. 16 depicts the feature of recording a file that comprises a plurality of viewpoints i.e. a left eye image and right eye image, or a plurality of viewpoints), comprising:

Ilizuka does not explicitly disclose an analyzing means for analyzing 3-dimensional image control information for implementing 3-dimensional display of the plurality of viewpoint images from the image file, wherein the plurality of viewpoint images are reproduced in accordance with a result from the analyzing means.

Kawai an analyzing means for analyzing 3-dimensional image control information for implementing 3-dimensional display of the plurality of viewpoint images from the image file, wherein the plurality of viewpoint images are reproduced in accordance with a result from the analyzing means (Kawai, "The display image generating block generates the display image in an image format according to device information acquired by the device information", abstract; Kawai, Fig 2 shows the different stereoscopic formats which serve as control information for constructing the three-dimensional image).

Ilizuka and Kawai are in the same field of endeavor of stereoscopic display systems. It, therefore, would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ilizuka to include employing three-dimensional image control information as taught by Kawai so that "an optimum data format is specified" (Kawai, paragraph 56).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELISA M. RICE whose telephone number is (571)270-1582. The examiner can normally be reached on 12:00-8:30p.m. EST Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on (571)272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elisa M Rice/  
Examiner, Art Unit 2624

/Vikkram Bali/  
Supervisory Patent Examiner, Art Unit 2624